IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 6323 of 2004

Between:

Lal Bhadur Singh, S/o Mallan Singh,
14-10-570. Lower Dhoolpet, Hyderabad

..... PETITIONER

AND

The Government of A.P.
rep. by its Commissioner-Director of Marketing,
Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or orders or writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in rejecting the petitioner's application for allottment of space for running vegetable shop at Market Yard, Bowenpally, vide orders Lr. No.S(LA) (2) 59/2004, dt. 1/03/2004 as illegal, arbitrary and unjust and consequentially direct the respondent to allot the said space to the petitioner.

Counsel for the Petitioner: MR.M.L.ALI

Counsel for the Respondent: GP FOR COOPERATION

The Court made the following ORDER:

ORAL ORDER:

Heard both sides and at their request the main writ petition itself is taken up for disposal.

The petitioner herein filed this writ petition, *inter alia,* seeking a writ of *mandamus* declaring the action of the respondent in rejecting his application for running vegetable shop at Market Yard, Bowenpally *vide* impugned order dated 01.03.2004.

Though several contentions have been urged on behalf of the petitioner, it is now stated in the counter-affidavit filed by the respondent herein that there are no vacant shops or space available for considering the petitioner's case.

Having regard to such statement, I do not find any justification to give a direction as sought for. However, it is open for the respondent herein to consider the case of the petitioner as and when any vacancy of shops or space comes in future, for allotment of the same to the petitioner.

The writ petition is accordingly dismissed. No costs.

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B. Prakash Rao, J

Date: 08.11.2004

va/ka

To

1. The Commissioner-Director of Marketing, Government of Andhra Pradesh, Hyderabad.

2. Two CCs to G.P for Cooperation, High Court of A.P. Buildings, Hyderabad (OUT)

3. Two CD Copies